

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARNELL GREEN, DARNELL)	
LEONARD, WILLIAM GREGORY,)	Civil Action No. 19 – 335
KRIS JOHNSON, DORREAN)	
WATSON, RUSSELL JOHNSON,)	
DEONDRAY BEASLEY, WAYNE)	Magistrate Judge Lisa Pupo Lenihan
WILLIAMS, JAMES SPRUILL,)	
THOMAS TODD, RAYMAR PACK,)	
JULIAN GRAY, KAHY HOLLIDAY,)	
JAMES GIVNER, TYWAN NAPPER,)	
and DAVID KIMMEL,)	
Plaintiffs,)	
)	
v.)	
)	
RICH FITZGERALD, County)	
Executive, ORLANDO HARPER,)	
Warden, Allegheny County Prison,)	
OFFICER LEFVERE, C.O. I)	
KRAMER, C.O. RENDA, COUNTY)	
COMM. TUCKER, OFFICER LEE,)	
MAIL ROOM CLERK, Allegheny)	
County Prison, INMATE)	
EMPLOYMENT CLERK, Allegheny)	
County Prison, and KEEFE)	
COMMISSARY NETWORK,)	
Defendants.)	

ORDER

The Plaintiffs¹ in this matter have submitted for filing a complaint without a filing fee or the forms required to proceed *in forma pauperis* in a civil rights case. In Hagan v. Rogers, 570

¹ The Plaintiffs are all incarcerated at the Allegheny County Prison. They originated this case in the Middle District of Pennsylvania on March 18, 2019, and it was transferred to this Court on March 27, 2019.

F.3d 146 (3d Cir. 2009), the Court of Appeals for the Third Circuit held that prisoners are not categorically barred from joining as plaintiffs under Federal Rule of Civil Procedure 20, and further addressed certain consequences applicable to civil cases in which multiple prisoner plaintiffs seek to join in one action pursuant to Rule 20. For example, it held that where the entire filing fee has not been prepaid, the full filing fee must be assessed against each *in forma pauperis* co-plaintiff to join under Rule 20, as though each plaintiff were proceeding individually. Id. at 150. The Plaintiffs in this case have not prepaid the full filing fee. Therefore, this action may not proceed unless the Plaintiffs either,

- (1) tender to the “Clerk, U.S. District Court” a statutory filing fee in the amount of \$400.00, or,
- (2) each file a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of their prison account statements for the six (6) months preceding the filing of the complaint.

Therefore,

IT IS HEREBY ORDERED this 23rd day of April, 2019 that the Clerk of Court mark this case **CLOSED**.

IT IS FURTHER ORDERED that each of the Plaintiffs may submit a motion to proceed *in forma pauperis*, along with a certified copy of their inmate account statement for the six (6) months preceding the filing of the complaint. If their motions are granted, the case will be reopened.

IT IS FURTHER ORDERED that the Plaintiffs may also reopen this case by paying the \$400.00 filing fee.

AND IT IS FURTHER ORDERED that the Plaintiffs are allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

Cc: Darnell Green, 90431
Darnell Leonard, 161028
William Gregory, 189171
Kris Johnson, 147183
Dorrean Watson, 136934
Russell Johnson, 39940
Deondray Beasley, 138902
Wayne Williams, 72302
James Spruill, 101750
Thomas Todd, 3221
Raymar Pack, 180114
Julian Gray, 188210
Kahy Holliday, 184110
James Givner, 163782
Tywan Napper, 137823
David Kimmel, 189312

Allegheny County Prison
950 Second Ave.
Pittsburgh, PA 15219